



U.S. Department of Justice

United States Attorney

Eastern District of Pennsylvania

615 Chestnut Street

Suite 1250

Philadelphia, Pennsylvania 19106-4476

(215) 861-8200

FOR IMMEDIATE RELEASE

June 27, 2006

**TWO PENNSYLVANIA SENATE STAFFERS INDICTED BY GRAND
JURY FOR OBSTRUCTING FEDERAL INVESTIGATION**

PHILADELPHIA – United States Attorney Patrick L. Meehan today announced the filing of a 34-count Indictment¹ against Leonard P. Luchko and Mark C. Eister, charging both in an allegedly extensive conspiracy to obstruct justice and with substantive obstruction of justice offenses that allegedly occurred between November 2003 and October 2005.

Defendants Luchko and Eister were, at the time of the offenses charged, allegedly employed by the Pennsylvania Senate as computer support specialists and were assigned to the Philadelphia district office of a member of the Pennsylvania Senate. The indictment alleges that Luchko, Eister, and other persons, both known and unknown, engaged in a systematic effort to destroy e-mail communications and other electronic evidence stored on the Senator's computer equipment in order to thwart a federal criminal investigation involving the Senator and other persons and entities. Specifically, it is alleged that these efforts involved the following types of activities:

¹An Indictment or Information is an accusation. A defendant is presumed innocent unless and until proven guilty.

- systematically destroying e-mail communications sent to or received from the Senator and the executive director of a non-profit organization affiliated with the Senator;
- creating and implementing a formal schedule to run specialized computer programs known as Secure Clean Deep Clean and PGP Free Space Wipe that erased any trace of deleted electronic files on computer hard drives, servers, PC cards, and other electronic storage devices;
- instructing the Senator's employees that under no circumstances were they permitted to save any e-mail sent to or received from the Senator;
- logging into the e-mail accounts of the Senator's employees to scan their e-mail to determine that they were, in fact, saving any e-mail relating to the Senator; and
- deleting and wiping other electronic equipment, such as the Blackberry communication devices used by the Senator and the Executive Director, among other persons.

The indictment alleges that, in carrying out these acts to destroy electronic evidence pertinent to the investigation, the defendants and their unindicted co-conspirators acted to assure that electronic evidence relevant to the investigation and potentially harmful to the Senator and his associates was permanently deleted and therefore unavailable to the grand jury and the federal investigators.

The indictment also alleges that the defendants and their unindicted co-conspirators succeeded in deleting and destroying substantial amounts of electronic evidence relevant to the investigation. Specifically, it is alleged that the defendants and their unindicted co-conspirators permanently erased virtually all e-mails predating 2005 which had been stored on all computers used by the Organization and its Executive Director; virtually all e-mail predating 2005 in which the Senator was a sender or recipient, which had been held on the Senator's server

in Harrisburg, and on the computer equipment used by his staff in Harrisburg and Philadelphia; and virtually all e-mail referencing the Organization which was held on computer equipment used by the Senator.

Both defendants were previously arrested on May 31, 2006 and charged at the time by criminal complaint and warrant. A detailed 65-page affidavit released on May 31, 2006, summarized the allegedly criminal acts of obstruction of justice engaged in by defendants Luchko and Eister, along with other persons who have not been charged at this time.

The indictment returned by the federal grand jury presents a total of 30 counts against Leonard Luchko, including one count of conspiring with co-defendant Mark C. Eister and other persons, both known and unknown, to obstruct justice, in violation of 18 U.S.C. § 371; nine counts of corruptly persuading other persons to destroy evidence, in violation of 18 U.S.C. § 1512(b)(2)(B); one count of corruptly destroying evidence to impair its integrity and availability for use in an official proceeding, in violation of 18 U.S.C. § 1512(c)(1); and 19 counts of destroying evidence in order to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of the FBI and IRS, in violation of 18 U.S.C. § 1519.

Defendant Mark C. Eister was charged by the grand jury with a total of five counts, including one count of conspiring with co-defendant Leonard P. Luchko and other persons, both known and unknown, to obstruct justice, in violation of 18 U.S.C. § 371; one

count of corruptly persuading other persons to destroy evidence, in violation of 18 U.S.C. § 1512(b)(2)(B); one count of corruptly destroying evidence to impair its integrity and availability for use in an official proceeding, in violation of 18 U.S.C. § 1512(c)(1); and two counts of destroying evidence in order to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of the FBI and IRS, in violation of 18 U.S.C. § 1519.

INFORMATION REGARDING THE DEFENDANTS

NAME	ADDRESS	AGE OR DATE OF BIRTH
Leonard P. Luchko	Collingdale, Pennsylvania	Age: 50
Mark C. Eister	Camp Hill, Pennsylvania	Age: 36

If convicted the defendants face the following maximum penalties:

Leonard P. Luchko: 495 years imprisonment, a \$7.5 million fine, three years supervised release, and a \$3,000 special assessment.

Mark C. Eister: 75 years imprisonment, a fine of \$1,250,000, three years of supervised release, and a \$500 special assessment.

The case was investigated by the Federal Bureau of Investigation and the Internal Revenue Service, and has been assigned to Assistant United States Attorneys John J. Pease and Robert A. Zauzmer.

**UNITED STATES ATTORNEY'S OFFICE
EASTERN DISTRICT, PENNSYLVANIA
Suite 1250, 615 Chestnut Street
Philadelphia, PA 19106**

**Contact: RICH MANIERI
Media Contact
215-861-8525**

June 27, 2006
Page 5

*COPIES OF NEWS MEMOS AND RELATED DOCUMENTS CAN ALSO BE FOUND AT
[HTTP://WWW.USDOJ.GOV/USAO/PAE](http://www.usdoj.gov/usao/pae)*